

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figs. 1 and 2. Support for the changes can be found at paragraphs [0024] and [0025] and elsewhere throughout the original specification and claims.

Attachment: 1 Replacement sheet

REMARKS

I. Status of the Application

This paper is filed in response to the non-final official action dated April 24, 2008, wherein: (a) claims 14-26 were pending; (b) the drawings were objected to under 37 CFR 1.83(a) for failing to show every feature recited in the claims; (c) claims 14-20 and 22-26 were rejected under 35 U.S.C § 103(a) as unpatentable over U.K. Patent Application No. GB 2250779A to Schuermann, et al. ("Schuermann") in view of "common knowledge in the art;" and, (d) claim 21 was rejected as unpatentable over Schuermann in view of U.S. Patent No. 5,310,241 to Omoto, et al. ("Omoto").

By way of this response, claims 14, 15, 17, 19, 20, and 22-26 are amended, claim 18 is canceled, and claim 27 is added. Support for the amendments to the claims and new claim 27 is found at paragraphs 0026-0027 and Figs. 3, and 5-7 of the published application, and elsewhere throughout the original specification and claims. Thus, claims 14-17 and 19-27 are pending and at issue. Reconsideration of the application, as amended, is solicited.

The issues raised in the official action are addressed below in the order in which they were raised in the action.

II. Drawing Objections

The official action asserts that the drawings fail to show (a) "the electric motor drive and monitoring means" as recited in claim 14, (b) "the stop surface foamed onto the roof element" as recited in claim 23, (c) "the stop surface integrated into the edge foaming" as recited in claim 24, and (d) "at least one parameter from the list of claim 24." The applicants have amended claim 14 to recite "a projection" rather than the "stop surface" and have canceled the electric motor drive and monitoring means features. Further, because original claim 24 did not recite a list of parameters, the applicants assume the official action intended to object to the parameter list of claim 26.

Regarding items (a) and (d), the applicants have amended Figs. 1 and 2 to illustrate the electric motor drive, monitoring means (now referred to in the claims as a “monitor”), and parameters now recited in amended claim 26. Because the electric motor drive and monitor are conventional features disclosed in the original description at paragraphs [0024] and [0025] and the original claims, the drawing amendments are not new matter. Regarding items (b) and (c), paragraph [0027] of the application clearly describes that Figs. 3 and 5-7 show the stop surface (now referred to in the claims as a “projection”) as part of the roof element (cover) 16. Further, paragraph [0012] describes that the projection is simply foamed into the roof element and paragraph [0027] describes that the projection may be formed by covers having “peripheral foaming.” Reconsideration and withdrawal of these drawing objections are respectfully requested.

III. Claim Objections

Claim 14 is amended to cancel “surfaced” as originally claimed. Reconsideration and withdrawal of the claim objection are respectfully requested.

IV. Claim Rejections Under 35 U.S.C. § 103

Independent claim 14 generally recites an openable motor vehicle roof including a movable roof element that is mounted within an opening of the vehicle roof. The front edge of the movable roof element includes a projection that extends from front edge in a direction of a closing motion of the roof such that the projection and the roof define an area behind the projection. A seal element is affixed to a body-mounted frame. When closing, the area defined by the projection and roof receives at least a portion of the seal element between the projection and the front edge while the closing motion brings the movable roof toward the closed position. Thus, while closing, the movable roof contacts an interfering body that is between the frame and the roof before the roof closes the opening.

The applicants have amended claim 14 to clarify the relationship between the movable roof element, the projection, and the seal element. By including the projection that contacts an interfering body first, any abnormal forces

resulting from the presence of the interfering body are more easily detected. As described in the applicant's disclosure at paragraph [0009], the closing motion recited in claim 14 advantageously detects interfering bodies over other externally-guided sliding roofs (ASD roofs). Particularly, in other ASD roofs, any change in drive parameters caused by the deformation of the seal would be superimposed with the signal change caused by the roof element striking the interfering body. By including a projection that extends from the roof in a direction of the closing motion of the roof and that defines an area between the projection and the front edge, the interfering body is contacted before the roof engages any part of the seal, and the abnormal forces caused by the interfering body are more easily detected.

No prior art of record discloses or suggests each and every limitation recited in amended independent claim 14.

The official action asserts that Schuermann discloses a stop surface (now "projection") on a front roof part edge 1A of a displaceable roof part as shown in the figures. However, Schuermann does not teach or suggest that the projection extends from the roof in a closing direction of the roof or that the projection defines an area that receives at least a portion of the seal between the projection and the front edge while the closing motion brings the movable roof element toward the closed position, as generally recited in amended claim 14.

Comparing Figs. 2 and 3 of Schuermann, the front roof part edge 1A surrounds the front tip of the displaceable roof, however, it appears that the closing motion of the displaceable roof includes a diagonally-oriented forward and down motion. A front roof part edge that merely surrounds the front tip of a displaceable roof that has a diagonally-oriented forward and down closing motion as disclosed by Schuermann cannot teach or suggest the projection that extends from the roof in the same manner as the roof's closing motion, as generally recited in amended claim 14.

Further, Figs. 2 and 3 of Schuermann illustrate that the front roof part edge 1A slidably engages the top of a seal element to achieve the closed position. As illustrated in Fig. 3, no portion of the displaceable roof itself receives the seal in

an area defined by the projection and the front edge of the roof element. Rather, the front roof part edge disclosed by Schuermann merely engages the top of the seal when the displaceable roof element is in the closed position. Therefore, Schuermann cannot teach or suggest a projection that defines an area with the roof front edge to receive the seal, as generally recited in amended claim 14.

Likewise, Figs. 2 and 4 of Omoto illustrate a protrusion 31b that is located behind the forward end portion of a flexible top and abuts only the upper surface of a sealing member. Thus, no portion of the flexible roof disclosed by Omoto receives the seal in an area defined by the projection and the front edge of the roof element. Rather, Omoto only discloses that the seal is engaged on its top portion and, as such, cannot teach or suggest a projection that defines an area with the roof front edge to receive the seal, as generally recited in amended claim 14.

Regarding new claim 27, neither Schuermann nor Omoto discloses that the body-mounted frame component includes a depression that is in front of and below the seal element for receiving at least a portion of the projection when the movable roof element is in a closed position. For example, Figs. 2 and 3 of Schuermann illustrate that the front roof part edge 1A engages only the top of a seal element on the frame 3 when in a closed position and does not engage any part of the frame. As illustrated in Fig. 3, no portion of the frame 3 that includes the seal receives any portion of the front roof part edge 1A or the displaceable roof. Also, as illustrated in Figs. 2 and 4 of Omoto, the forward end portion is received by a frame that is flat in the area adjacent to the seal; no portion of the frame adjacent to the seal includes a depression for receiving any portion of the forward end portion. Therefore, neither the front roof part edge that merely engages the top of a seal and a frame without a depression, as disclosed by Schuermann, nor the flat area of the frame adjacent to the seal that receives the forward end portion of the flexible top, as disclosed by Omoto, can teach or suggest a depression that is in front of and below the seal element for receiving at least a portion of the projection when the movable roof element is in a closed position, as recited in new claim 27.

Regarding claims 15-17 and 19-27, that depend from claim 14, the applicants respectfully submit that the alleged combination of Schuermann in view of "common knowledge in the art" or Omoto does not render claims 15-17 and 19-27 unpatentable at least for the same reasons as claim 14.

In light of the foregoing, it is believed that each of the pending claims is allowable over the cited references. The examiner is therefore solicited to reconsider and withdrawal the outstanding rejections, and pass this application to issue.

V. Priority

The official action notes that the applicants have not filed a certified copy of the German application as required by 35 U.S.C. 119(b). However, a certified copy of the German application was filed on September 29, 2006, as indicated by the attached internet printout from PAIR (Exhibit A).

VI. Conclusion

A prompt indication of allowability is solicited. Should the examiner wish to discuss the foregoing or any matter of form in an effort to advance this application toward allowance, he is urged to telephone the undersigned at the indicated number.

July 7, 2008

Respectfully submitted,

By 

Andrew R. Smith

Registration No. 62,162
MARSHALL, GERSTEIN & BORUN LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant

Attachments